

## REMARKS

Reconsideration and allowance of the above-identified Application in view of the above amendments and the following remarks are respectfully requested.

Claims 1-43, 45 and 48-91 are pending in the Application, claims 84-91 being newly presented. Claims 1-36, 45, 50-76 and 79-83 have been withdrawn from consideration.

The Examiner objected to the amendment filed May 19, 2003 and rejected claims 37-43, 48, 49, 77 and 78 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner indicated that the variable optical property mirror recited in claims 37 and 40 and the variable optical property element recited in claim 77 were not sufficiently described in the specification. Applicant has amended claims 37, 40 and 77 to remove the indicated language, clarifying those claims, and obviating the rejection under 35 U.S.C. § 112, first paragraph. Therefore, Applicant respectfully requests that the rejection of claims 37-43, 48, 49, 77 and 78 under 35 U.S.C. § 112, first paragraph, be withdrawn.

The Examiner rejected claims 37-43, 48, 49, 77 and 78 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner indicated that the above-noted portions of claims 37, 40 and 77 also rendered the claims indefinite. Applicant thus respectfully submits that the amendments to claims 37, 40 and 77 obviate this rejection and requests that it be withdrawn.

The Examiner rejected claims 37-43, 48, 49, 77 and 78 under 35 U.S.C. § 102(b) as being anticipated by Akiyama et al. (U.S. Patent No. 6,522,475). Applicant respectfully submits that the amendments to claims 37, 40, 43 and 49 now clarify that the variable optical property mirror itself is physically changeable, and claims 43 and 77 similarly clarify that the variable optical property element itself is physically changeable. This is fully supported by the original disclosure. For example, the Examiner's attention is directed to page 77, lines 15-19 of the specification where a membrane mirror in that example is disclosed as a variable focal length mirror. In this example, when a voltage is applied across the electrode 124, the thin film 123 is deformed, i.e., the surface itself is physically changed. In contrast, Akiyama et al. disclose prisms and mirrors that have reflective surfaces. The prisms and mirrors themselves are not physically changed. Therefore, Applicant respectfully submits that claims 37-43 and 48, 49, 77 and 78 are now in condition for allowance and requests that the rejection under 35 U.S.C. § 102(b) as being anticipated by Akiyama et al. be withdrawn.

The Examiner rejected claims 37-43, 48, 49, 77 and 78 under 35 U.S.C. § 102(b) as being anticipated by Gelbart (U.S. Patent No. 6,147,789). Applicant respectfully traverses with respect to the rejection of claims 43 and 49 and respectfully submits that the amendments clarifying claims 37, 40, 41 and 77 obviate the rejections with respect to those claims. In particular, Applicant amended claims 37 and 40 to recite that the reflecting surface of the variable optical property mirror contributes to forming a two-dimensional image. Claims 41 and 77 similarly recite that the variable optical property element contributes to forming a two-dimensional image. This is fully supported throughout the original disclosure. For example, see the examples of an electronic camera of Figures 61-63 and an endoscope in Figure 64. In contrast, Gelbart discloses ribbons 1 that are arranged in a line such that they together form a one-dimensional image. There is no variable optical property mirror or element that contributes to forming a two-dimensional image. In Gelbart, drum 16 is rotated for displacement of a series of one-dimensional images.

Claim 43 recites a rotationally asymmetric surface. In contrast, the lens 14 of Gelbart is a rotationally symmetric lens.

Claim 49 recites that the optical element disposed at the front side or the backside of the variable optical property mirror has a rotationally asymmetrical surface having a shape that defines only one plane of symmetry or no plane of symmetry. In contrast, Gelbart discloses a deformable mirror constructed of single ribbons. Gelbart discloses cylindrical lenses 12 and 13 arranged on the front side of the single ribbons 1 and the lens 14 on the backside of the single ribbons 1. Each of the cylindrical lenses 12 and 13 and the lens 14 has a surface that defines two planes of symmetry. Therefore, Applicant respectfully submits that claim 49 is in condition for allowance. Applicant thus respectfully submits that claims 37-43, 48, 49, 77 and 78 are in condition for allowance and requests that the rejection under 35 U.S.C. § 102(b) as being anticipated by Gelbart be withdrawn.

The Examiner rejected claims 37-43, 48, 49, 77 and 78 under 35 U.S.C. § 102(b) as being anticipated by Zehnpfennig et al. (U.S. Patent No. 5,406,412). Applicant respectfully traverses with respect to claims 41, 43 and 49 and respectfully submits that the amendments to claims 37, 40 and 77 obviate this rejection for at least the following reasons.

Applicant amended claims 37 and 40 to clarify that the variable optical property mirror is arranged to be decentered and amended claim 77 to similarly recite that the variable optical

property elements are arranged to be decentered. These amendments are fully supported by the original disclosure. For example, the Examiner's attention is directed to page 86, lines 4-7 of the specification for an example in which the decentered prism V3 has a variable optical property element formed on a surface thereof and is thus also decentered. In contrast, the deformable secondary mirror 18b of Zehnpfennig et al. is arranged coaxially with the primary mirror 12b. Therefore, Applicant respectfully submits that claims 37, 40 and 77 and claims dependent therefrom, are defined over Zehnpfennig et al.

Each of claims 41, 43 and 49 recites a rotationally asymmetrical surface. In contrast, the primary mirrors of Zehnpfennig et al., such as primary mirror 12, are rotated to form a synthetic aperture which is thus a rotationally symmetric reflecting surface. There is no disclosure or suggestion in Zehnpfennig et al. to replace it with a rotationally asymmetric surface. Therefore, Applicant respectfully submits that claims 37-43, 48, 49, 77 and 78 are in condition for allowance and requests that the rejection under 35 U.S.C. § 102(b) as being anticipated by Zehnpfennig et al. be withdrawn.

Applicant's representative does not have a record of receiving an initialled copy of the PTO 1449 filed with the Information Disclosure Statement on May 10, 2000. Please provide an initialled copy of the PTO-1449 of May 10, 2000 along with the next Official Action. A fresh copy of the PTO-1449 is provided for the Examiner's convenience.

Applicant has addressed all of the Examiner's objections and rejections and submits that the Application is now in condition for allowance.

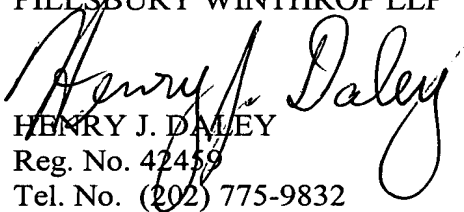
The Examiner is encouraged to contact the Applicant's representative at the below-noted number if it may help advance the prosecution of this case.

NISHIOKA -- 09/327,713  
Client/Matter: 061069-0260332

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP LLP



HENRY J. DALEY

Reg. No. 42459

Tel. No. (202) 775-9832

Fax No. 703 905-2500

Date: January 10, 2005  
P.O. Box 10500  
McLean, VA 22102  
(703) 905-2000